

1 Jason S. Hartley (CA Bar No. 192514)
2 STUEVE SIEGEL HANSON LLP
3 550 West C Street, Suite 1750
4 San Diego, CA 92101
5 Phone: (619) 400-5822
6 Fax: (619) 400-5832
7 *hartley@stuevesiegel.com*

8 Attorneys for Plaintiffs

9 [See Additional Counsel on Signature
10 Page]

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 COACHELLA SELF STORAGE, LLC;
12 JAMES PILCHER; SUSAN PILCHER;
13 MARTIN WELLS and SUSAN WELLS
14 as trustees of the MARTIN & SUSAN
15 WELLS REVOCABLE TRUST; and
16 CHARLES SERRANO and BARBARA
SLOAN as trustees of the CHARLES
SERRANO AND BARBARA SLOAN
2012 REVOCABLE TRUST, on behalf
of themselves and all others similarly
situated,

17 Plaintiffs,

18 v.

19 UNION PACIFIC RAILROAD
COMPANY, successor to SOUTHERN
20 PACIFIC TRANSPORTATION
COMPANY; SFPP, L.P., previously
21 known as SANTA FE PACIFIC
PIPELINES, INC., previously known as
22 SOUTHERN PACIFIC PIPELINES,
INC.; KINDER MORGAN
23 OPERATING L.P. "D"; and KINDER
MORGAN G.P., INC.,

24 Defendants.

CASE NO. SACV15-718 JVS (DFMx)

**UNOPPOSED MOTION TO
SUSPEND DEADLINE UNDER
L.R. 23-3 TO FILE MOTION FOR
CLASS CERTIFICATION**

1 Plaintiffs Coachella Self Storage, LLC, James Pilcher, Susan Pilcher, Martin
 2 Wells and Susan Wells as trustees of the Martin & Susan Wells Revocable Trust,
 3 and Charles Serrano and Barbara Sloan as trustees of the Charles Serrano and
 4 Barbara Sloan 2012 Revocable Trust (“Plaintiffs”), file this Unopposed Motion to
 5 Suspend Deadline Under L.R. 23-3 to File Motion for Class Certification
 6 requesting that this Court suspend the deadline for Plaintiffs to file their motion for
 7 class certification.

8 On May 5, 2015, this class action lawsuit was instituted. *See* Doc. No. 1.
 9 Defendants Union Pacific Railroad Company, successor to Southern Pacific
 10 Transportation Company (the “Railroad”) and SFPP, L.P. (previously known as
 11 Santa Fe Pacific Pipelines, Inc., which was previously known as Southern Pacific
 12 Pipelines, Inc.), Kinder Morgan Operating L.P. “D”, and Kinder Morgan G.P., Inc.
 13 (collectively, the “Pipeline”) (the Pipeline and Railroad collectively are referred to
 14 herein as “Defendants”) were served with the lawsuit on May 12, 2005. *See* Doc.
 15 Nos. 12-15.

16 On June 2, 2015, a request to centralize under 28 U.S.C. § 1407 the current
 17 lawsuit and related lawsuits in the Central District of California was made to the
 18 United States Judicial Panel on Multidistrict Litigation (“JPML”). On July 30,
 19 2015, the JPML heard argument on the motion, and on August 10, 2010, the JPML
 20 denied the motion. In light of the motion before the JPML this Court has stayed
 21 various motions filed by Defendants. *See* Doc. Nos. 32 & 41.

22 Under Civil Local Rule 23-3, “[w]ithin 90 days after service of a pleading
 23 purporting to commence a class action . . . the proponent of the class shall file a
 24 motion for certification that the action is maintainable as a class action, unless
 25 otherwise ordered by the Court.” L.R. 23-3.

26 In light of the recent activity before the JPML, Counsel for Plaintiffs
 27 conferred with Counsel for Defendants regarding a request to suspend the deadline
 28

1 under L.R. 23-3 for Plaintiffs to move for class certification. Counsel for
2 Defendants stated that Defendants do not oppose Plaintiffs' request.

3 Accordingly, Plaintiffs respectfully request that this Court suspend the
4 deadline to move for class certification under L.R. 23-3.

5 DATED: August 10, 2015

6 Respectfully submitted,

7 /s/ Jason S. Hartley
8 Jason S. Hartley
9 STUEVE SIEGEL HANSON LLP
10 550 West C Street, Suite 1750
11 San Diego, CA 92101
Phone: (619) 400-5822
Fax: (619) 400-5832
hartley@stuevesiegel.com

12 Norman E. Siegel
13 Barrett J. Vahle
(*admitted pro hac vice*)
14 Ethan M. Lange
(*pro hac vice forthcoming*)
15 STUEVE SIEGEL HANSON LLP
16 460 Nichols Road, Suite 200
17 Kansas City, Missouri 64112
Phone: (816) 714-7100
Fax: (816) 714-7101
siegel@stuevesiegel.com
vahle@stuevesiegel.com
lange@stuevesiegel.com

18 Thomas S. Stewart
(*admitted pro hac vice*)
Elizabeth G. McCulley
(*pro hac vice forthcoming*)
20 STEWART, WALD & MCCULLEY, LLC
9200 Ward Parkway, Suite 550
22 Kansas City, Missouri 64114
Phone: (816) 303-1500
Fax: (816) 527-8068
stewart@swm.legal
mcculley@swm.legal

Steven M. Wald
(pro hac vice forthcoming)
STEWART, WALD & McCULLEY, LLC
100 North Broadway, Suite 1580
St. Louis, Missouri 63102
Phone: (314) 720-6190
Fax: (314) 899-2925
wald@swm.legal

Attorneys for Plaintiffs